

03-0 -0468

(Do Not Write Above This Line)

AN ORDINANCE BY:

AN ORDINANCE AUTHORIZING THE
MAYOR TO EXECUTE A RIGHT-OF-WAY
AGREEMENT WITH MCIMETRO ACCESS
TRANSMISSION SERVICES, INC., TO USE
A SPECIFIC PORTION OF THE PUBLIC-
RIGHT-OF-WAY FOR LIMITED
TELECOMMUNICATIONS PURPOSES NOT
INCLUDING TELECOMMUNICATIONS
SERVICES, AS DEFINED IN THE
TELECOMMUNICATIONS ACT OF 1996 (47
U.S.C. SECTION 153 (46)) OR LOCAL
EXCHANGE SERVICE AND FOR OTHER
PURPOSES

1st2nd

ADOPTED BY ADOPTED BY

APR 2 1 2003

MAY 0 5 2003

COUNCIL

COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred 3/17/03

Referred To: C. H.

Date Referred 4/21/03

Referred To: City Utilities

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Members

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Members

Refer To

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☒ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED

MAY 0 5 2003

ATLANTA CITY COUNCIL PRESIDENT

Catherine M. Norland

CERTIFIED

MAY 0 5 2003

DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

MAY 1 3 2003



CITY COUNCIL
ATLANTA, GEORGIA

03-O-0468

AN ORDINANCE
BY

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH MCIMETRO ACCESS TRANSMISSION SERVICES, INC., TO USE A SPECIFIC PORTION OF THE PUBLIC RIGHT-OF-WAY FOR LIMITED TELECOMMUNICATIONS PURPOSES NOT INCLUDING TELECOMMUNICATIONS SERVICES, AS DEFINED IN THE TELECOMMUNICATIONS ACT OF 1996 (47 U.S.C. SECTION 153 (46)) OR LOCAL EXCHANGE SERVICE AND FOR OTHER PURPOSES.

WHEREAS, MCIMETRO ACCESS TRANSMISSION SERVICES, INC., has applied for a right-of-way agreement to provide limited telecommunications services on, under, over and through specifically identified portions of the public right-of-way; and

WHEREAS, MCIMETRO ACCESS TRANSMISSION SERVICES, INC., intends to install equipment in the public right-of-way to transport signals across the city without originating or terminating Telecommunications Services at, to or from any person or location in the City; and

WHEREAS, MCIMETRO ACCESS TRANSMISSION SERVICES, INC., has negotiated a right-of-way agreement with the City which provides such access and preserves the rights of the City.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

SECTION 1: That the Mayor be and is hereby authorized to execute a right-of-way agreement with MCIMETRO ACCESS TRANSMISSION SERVICES, INC., for use of the public right-of-way for telecommunications purposes.

SECITON 2: That such franchise agreement shall expire and terminate on April 1, 2006. -

SECTION 3: MCIMETRO ACCESS TRANSMISSION SERVICES, INC., shall pay the City at a rate of eight (\$8.00) dollars per linear foot for the use of the Right-of-Way within the Peachtree Corridor, and Two (\$2.00) dollars per linear foot for the use of Right-of-Way outside the Peachtree Corridor. The Grantee's obligation to pay the Right-of-Way Fee shall commence on the Effective Date and continue throughout the Term; fees shall be paid on a quarterly basis for the preceding quarter, and shall be due on April 15, July 15, October 15, and the 15th day of January of each year throughout the Term. In the quarter, the Franchise Fee shall be prorated relative to the number of days in the quarter that the Franchise is in effect. On or before each quarterly payment date, Grantee shall provide a certificate, signed and attested to by the appropriate corporate officers or authorized corporate representatives, which verifies Grantee's Gross Revenues for the prior quarter.



SECTION 4: That the City Attorney shall prepare a Right-of-Way agreement containing all of the foregoing terms, which shall be approved by the City Attorney as to form.

SECTION 5: That said Right-of-Way agreement shall not be binding on the City until executed by the Mayor sealed by the Municipal Clerk and delivered to MCIMETRO ACCESS TRANSMISSION SERVICES, INC.

SECTION 6: That the City hereby modifies, waives or amends for this instance only, the following provisions of Chapter 138:138-134 (a)(1) —Term of the franchise; 138-127 (h)(7)-Audit; 138-134 (a)(12)-Transfer provisions.

A true copy,

A handwritten signature in black ink, appearing to be "Lisa", is written over the text "A true copy," and extends below the line "Deputy Clerk".

Deputy Clerk

ADOPTED by the City Council
APPROVED by the Mayor

May 5, 2003
May 13, 2003

**AN ORDINANCE
BY**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH INTERSTATE FIBERNET, INC., TO USE A SPECIFIC PORTION OF THE PUBLIC RIGHT-OF-WAY FOR LIMITED TELECOMMUNICATIONS PURPOSES NOT INCLUDING TELECOMMUNICATIONS SERVICES, AS DEFINED IN THE TELECOMMUNICATIONS ACT OF 1996 (47 U.S.C. SECTION 153 (46)) OR LOCAL EXCHANGE SERVICE AND FOR OTHER PURPOSES.

WHEREAS, INTERSTATE FIBERNET, INC., has applied for a right-of-way agreement to provide limited telecommunications services on, under, over and through specifically identified portions of the public right-of-way; and

WHEREAS, INTERSTATE FIBERNET, INC., intends to install equipment in the public right-of-way to transport signals across the city without originating or terminating Telecommunications Services at, to or from any person or location in the City; and

WHEREAS, INTERSTATE FIBERNET, INC., has negotiated a right-of-way agreement with the City which provides such access and preserves the rights of the City.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

SECTION 1: That the Mayor be and is hereby authorized to execute a right-of-way agreement with INTERSTATE FIBERNET, INC., for use of the public right-of-way for telecommunications purposes.

SECITON 2: That such right-of-way agreement shall expire and terminate on April 1, 2006. -

SECTION 3: INTERSTATE FIBERNET, INC., shall pay the City at a rate of eight (\$8.00) dollars per linear foot for the use of the Right-of-Way within the Peachtree Corridor, and Two (\$2.00) dollars per linear foot for the use of Right-of-Way outside the Peachtree Corridor. The Grantee's obligation to pay the Right-of-Way Fee shall commence on the Effective Date and continue throughout the Term; fees shall be paid on a quarterly basis for the preceding quarter, and shall be due on April 15, July 15, October 15, and the 15th day of January of each year throughout the Term. In the quarter, the Franchise Fee shall be prorated relative to the number of days in the quarter that the Franchise is in effect. On or before each quarterly payment date, Grantee shall provide a certificate, signed and attested to by the appropriate corporate officers or authorized corporate representatives, which verifies Grantee's Gross Revenues for the prior quarter.

SECTION 4: That the City Attorney shall prepare a right-of-way agreement containing all of the

RCS# 4672
5/05/03
2:37 PM

Atlanta City Council

Regular Session

MULTIPLE

0458;0459;0462;0465;0466;0469;0470;0472
0473;0476;0478;0479;0461;0463;0467;68;77
FINAL ADOPT

YEAS: 10
NAYS: 3
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	N Moore	Y Mitchell
N Starnes	Y Fauver	N Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

MULTIPLE

RCS# 4637
4/21/03
4:10 PM

Atlanta City Council

Regular Session

MULTIPLE

0458;0459;0461;0462;0463;0465;0466;0467
0468;0469;0470;0472;0473;0476;0477;78;79
ADOPT/REFER

YEAS: 8
NAYS: 4
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y Smith	NV Archibong	N Moore	N Mitchell
N Starnes	Y Fauver	NV Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	N Boazman	B Woolard

MULTIPLE

RCS# 4636
4/21/03
3:56 PM

Atlanta City Council

Regular Session

MULTIPLE

0458;0459;0461;0462;0463;0465;0466;0467
0468;0469;0470;0472;0473;0476;0477;78;79
RECONSIDER

YEAS: 12
NAYS: 3
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	N Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	N Willis
Y Winslow	Y Muller	N Boazman	B Woolard

MULTIPLE

RCS# 4631
4/21/03
3:47 PM

Atlanta City Council

Regular Session

MULTIPLE

0458;0459;0461;0462;0463;0465;0466;0467
0468;0469;0470;0472;0473;0476;0477;78;79
1st ADOPT/REFER

YEAS: 6
NAYS: 7
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	N Archibong	N Moore	Y Mitchell
N Starnes	NV Fauver	N Martin	NV Norwood
Y Young	Y Shook	Y Maddox	N Willis
Y Winslow	N Muller	N Boazman	B Woolard

MULTIPLE



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